

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
Baltimore Division

IN RE:  
BRADLEY D. GOODE  
Debtor

Case No. 19-17614-DER  
Chapter 13

NEWREZ LLC D/B/A SHELLPOINT  
MORTGAGE SERVICING  
Movant

v.  
BRADLEY D. GOODE  
Debtor/Respondent  
and  
ELLIS CORBETT GOODE, III  
Co-Debtor/Co-Respondent  
and  
ROBERT S. THOMAS, II  
Trustee/Respondent

**Debtor or Debtor's Counsel is encouraged to contact Shellpoint Mortgage Servicing to discuss potential loss mitigation options, if the debtor(s) is experiencing hardship resulting from COVID-19. Please call 866-825-2174 for assistance Monday-Friday 9am to 8pm EST.**

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY**  
**PURSUANT TO 11 U.S.C. § 1301(c)**  
**(REAL PROPERTY)**

NewRez LLC d/b/a Shellpoint Mortgage Servicing ("Movant") hereby moves this Court, pursuant to 11 U.S.C. § 362, for relief from the automatic stay, and pursuant to 11 U.S.C. § 1301(c), for relief from the Co-Debtor stay, with respect to certain real property of the Debtor having an address of 1327 Nautical Circle, Essex, MD 21221 (the "Property"), for all purposes allowed by the Note (defined below), the Deed of Trust (defined below), and applicable law, including but not limited to the right to foreclose. In further support of this Motion, Movant respectfully states:

1. A petition under Chapter 13 of the United States Bankruptcy Code was filed with respect to the Debtor on June 4, 2019.
2. A Chapter 13 Plan was confirmed on December 17, 2019.
3. The Borrower, Ellis C. Goode, Jr., has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of \$272,000.00 (the "Note"). A copy of the Note is attached hereto.

4. Pursuant to that certain Deed of Trust (the "Deed of Trust"), all obligations (collectively, the "Obligations") of the Borrower, Ellis C. Goode, Jr., under and with respect to the Note and the Deed of Trust are secured by the Property. The lien created by the Deed of Trust was perfected by recording of the Deed of Trust in the office of the Clerk of the Circuit Court of Baltimore County, Maryland. A copy of the recorded Deed of Trust is attached hereto.

5. Upon information and belief, Ellis C. Goode, Jr. died on or about July 8, 2010, at which time the Debtor, Bradley D. Goode, and Co-Debtor, Ellis Corbett Goode, III, inherited her ownership in the Property.

6. The loan was in default at the time the present bankruptcy was filed. The amount of prepetition arrears owed was \$25,264.17. The prepetition arrearage is detailed in the Movant's Proof of Claim.

7. The unpaid principal balance as of June 11, 2020 is \$224,762.59. The estimated outstanding Obligations are:

Unpaid Principal Balance	\$224,762.59
Unpaid, Accrued Interest	\$14,227.93
NSF Fees	\$15.00
Uncollected Late Charges	\$108.39
Mortgage Insurance Premiums	\$0.00
Taxes and Insurance Payments on behalf of Debtor	\$2,701.46
Other Costs	\$5,286.68
Less: Partial Payments	\$-758.96
Minimum Outstanding Obligations	\$246,343.09

8. The following chart sets forth the number and amount of postpetition payments due pursuant to the terms of the Note that have been missed as of June 11, 2020.

Number of Missed Payments	From	To	Monthly Payment Amount	Total Missed Payments
3	04/01/2020	06/01/2020	\$1,803.36	\$5,410.08
Less postpetition partial payments (suspense balance):				\$-283.76
<b>Total Postpetition Payments:</b>				<b>\$5,126.32</b>

9. In addition reasonable attorney fees and court filing costs not to exceed \$1,231.00 will be incurred for representation in this matter.

10. The estimated market value of the Property is \$200,000.00. The basis for such valuation is the Debtor's Schedules.

11. Cause exists for relief from the automatic stay for the following reasons:

- (a) Movant's interest in the Property is not adequately protected. Movant's interest in the collateral is not protected by an adequate equity cushion.
- (b) Postconfirmation payments required by the confirmed plan have not been made to Movant.
- (c) Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

12. NewRez LLC, D/B/A Shellpoint Mortgage Servicing services the underlying mortgage loan and note for the Property referenced in this Motion for NewRez LLC d/b/a Shellpoint Mortgage Servicing. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtain(s) a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of NewRez LLC d/b/a Shellpoint Mortgage Servicing. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Deed of Trust.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

- 1. Relief from the stay for all purposes allowed by the Note, the Deed of Trust, and applicable law, including but not limited to allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
- 2. Relief from the co-debtor stay imposed by 11 U.S.C § 1301(a).
- 3. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
- 4. For such other relief as the Court deems proper.

Dated: July 7, 2020

Respectfully Submitted,  
BWW Law Group, LLC

*/s/Nikita Joshi*  
Nikita Joshi, Esq.  
MD Fed. Bar No. 19720  
BWW Law Group, LLC  
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*Attorney for the Movant*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of July, 2020, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the foregoing Motion for Relief from Automatic Stay, and Motion for Relief from Co-Debtor Stay, will be served electronically by the Court's CM/ECF system on the following:

Robert S. Thomas, II, Trustee

James R Logan, Esq.

I hereby further certify that on this 7th day of July, 2020, a copy of the foregoing Motion for Relief from Automatic Stay, and Motion for Relief from Co-Debtor Stay, was also mailed first class mail, postage prepaid, to:

Bradley D. Goode  
1327 Nautical Cir  
Essex, MD 21221-6082

Ellis Corbett Goode, III  
1327 Nautical Circle  
Essex, MD 21221

*/s/Nikita Joshi*  
Nikita Joshi, Esq.